MINUTES OF THE REGULAR MEETING OF THE EDINA CITY COUNCIL HELD AT CITY HALL JANUARY 3 2006 7:00 P.M.

ROLLCALL Answering rollcall were Members Housh, Hulbert, Masica, Swenson and Mayor Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Masica and seconded by Member Hulbert approving the Council Consent Agenda as presented with the exception of: Approval of Minutes of December 20, 2005; Item V.H Authorize City Manager to Approve Hennepin County Electronic Proprietary Data Base Conditional Use License Agreement; and Item V.I. Change Order No. 1 - Shannon Drive Sanitary Sewer Improvements - Contract No. Eng. 05-10

A discussion ensued prior to the vote on the Consent Agenda when a member of the audience requested that Agenda Item No. III B. 2. "Set Public Hearing January 17, 2006, Preliminary Plat Approval – Louis and Patricia Starita, 604 Blake Road, Create One New Buildable Lot" be removed from the Council's Consent Agenda. William Haertzen, 6400 Interlachen Boulevard requested the item be removed so he could comment on whether or not the requested subdivision should be granted. The Council briefly discussed the appropriateness of allowing Mr. Haertzen's comments. Mayor Hovland stated that Mr. Haertzen should reserve his comments for the public hearing on January 17, 2006, which would be set by the adoption of the consent agenda as presented. Thereupon, the Mayor called the question.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

MINUTES OF THE REGULAR MEETING OF DECEMBER 20, 2005, APPROVED AS AMENDED Mayor Hovland request that an amendment be made to the December 20, 2005 Minutes under "Concerns Of Residents" He asked the final two sentences read "Mr. Persha also expressed concern regarding the five minute limitation for those wishing to testify before the Council regarding the Southdale District study. Mayor Hovland encouraged Mr. Persha to submit his comments in writing prior to appearing before the Council when a public hearing was held on the Greater Southdale District Study." Motion made by Member Housh approving the Minutes of the Regular Meeting of the Edina City Council for December 20, 2005 as amended. Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland Motion carried.

*MINUTES OF THE SPECIAL MEETING OF DECEMBER 20, 2005 Motion made by Member Masica and seconded by Member Hulbert approving the Minutes of the Special Meeting of December 20, 2005.

Motion carried on rollcall vote - five ayes.

RESOLUTION NO. 2006-08 APPROVING VACATION OF EASEMENT AT 4212 BRANSON STREET Affidavits of Notice were presented, approved and ordered placed on file.

Engineer Houle explained the existing storm sewer easement blanketed the entire lot of 4212 Branson Street. He said the requested vacation was required to clear the title to this property. Mr. Houle stated the City will retain the westerly twelve feet of the parcel as a utility and drainage easement. He added that Time Warner, Qwest, Xcel Energy, Centerpoint Energy, and the City of Edina Utilities would not object to the requested vacation. Mr. Houle said staff recommended the Council grant the requested easement while retaining the westerly twelve feet as noted previously.

Member Swenson asked if the homeowner was aware the City intended to retain the twelve foot utility and drainage easement. Mr. Houle replied the owner understood what the City would retain.

Public Comment

Gene Mattson, 4214 Branson Street, asked the meaning of the vacation and expressed concern about his property and the need for drainage. Mr. Houle explained that the City would still retain an easement over the subject property needed for maintenance of storm sewer and drainage. Member Swenson explained that the current easement covered the entire lot and the owner had requested the vacation of that part of the easement not necessary to maintain the storm sewer and drainage.

Member Swenson made a motion closing the public hearing, seconded by Member Masica.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland Motion carried.

Member Swenson introduced the following resolution and moved its adoption:

RESOLUTION NO. 2006-08 VACATING OF EXISTING STORM SEWER EASEMENT 4212 BRANSON STREET

WHEREAS, a motion of the City Council, on the December 6, 2005, fixed a date for a public hearing on a proposed vacation of utility easements; and

WHEREAS, two weeks published and posted notice of said hearing was given and the hearing was held on January 3, 2006, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said vacation be made; and

WHEREAS, the Council considered the extent the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any persons, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation to continue maintaining the same, or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described storm sewer easements are hereby vacated effective as of January 3, 2006:

PROPOSED LEGAL DESCRIPTION OF PUBLIC UTILITY EASEMENT TO BE VACATED:

Vacate storm sewer easement over and across Lot 8, "Riley's Subdivision of Lots, 3, 4, 5, 6, 7, 30 and 31, Grimes' Homestead", Hennepin County, Minnesota except the westerly 12' of said Lot 8.

BE IT FURTHER RESOLVED, that the City Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the County Recorder, in accordance with Minnesota Statutes, Section 412.851.

Passed and adopted this 3RD day of January, 2006.

Member Housh seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

<u>PUBLIC HEARING HELD - RESOLUTION NO. 2006-07 ADOPTED DESIGNATING EDINA THEATER SIGN A HERITAGE LANDMARK</u> Affidavits of Notice were presented, approved and ordered placed on file.

Associate Planner Repya explained the Edina Theater was an Art Deco style motion picture theater located at 3911 West 50th Street. She said, the theater, built in 1934, the original design by Leibengerg and Kaplan featured a brick faced, ziggurat stepped façade with a tower, metal canopy, and lighted sign. Since the theater opened on August 31, 1934, the theater has undergone extensive alterations, including replacement of the original canopy and marquee, modifications to the entrance, lobby, lounge, box office and retail shop spaces; the auditorium was reconstructed in 1984.

Ms. Repya said the theater sign, for planning purposes would be treated as the primary heritage preservation resource requiring protection as an Edina Heritage Landmark. She said the current sign was a reconstruction of the original 1934 electric lighted sign that was destroyed by a 1981 tornado. The sign was made of steel and covered with sheet metal. "Edina" was spelled out with fluorescent tubing, surrounded by flashing incandescent light bulbs that were illuminated in sequence to simulate movement. (This type of animated signage was first seen in 1923 in New York City's Times Square and was a common movie house design element until World War II.) In combination with the bright fluorescent and blinking lights on the marquees and canopy (which were intended to draw attention to the signboards advertising the current features), the purpose of the lighted sign was to capture the attention of passing motorists. Ms. Repya said more than seventy years after it was first illuminated, the sign continues to produce a dramatic transformation of the nighttime streetscape along 50th Street. She said the sign was an important example of public art in its own right, and defined the historic character of the 50th and France commercial district, where it evoked a strong sense of community identity as well as nostalgia.

Ms. Repya reported that the Heritage Preservation Board in 2002 found that the reconstructed theater sign was the property's most historical significant architectural feature and determined it alone was eligible for Edina Heritage Landmark designation as an historic object. She said the City's preservation code would allow for the designation of historic objects as landmarks in cases where the historic resource was a significant example of public art related to a specific location. Ms. Repya said in this case, although the physical relationship between the sign and the theater

building was important in defining its historic identity, it was understood that the heritage value of the sign was not necessarily dependent upon preservation of the theater facade.

Ms. Repya said the Heritage Preservation Board used the Secretary of the Interior's Standards for the Treatment of Historic Properties as the authoritative guide for its design review decisions. Within the framework of those standards and in consultation with the property owner, the Board adopted the following general and specific guidelines specially tailored to the preservation requirements of the Edina Theater sign:

- 1. The Edina Theater sign will be recognized as a work of public art that was important to the curtural life of the city as a whole.
- 2. The preferred preservation treatment would be rehabilitation, defined as the process of maintaining the sign in a state of utility through repairs and minor alterations which make possible an efficient contemporary use while preserving those features which were significant to its historical and artistic values.
- 3. While the historical significance of the sign was related to its specific location at the site of the Edina Theater, the existing theater building would not be a primary heritage preservation resource. However, in its present condition the theater building makes a positive contribution to the historic character of the sign, therefore, it historical value and preservation potential also needs to be recognized and respected.
- 4. The owner will be expected to apply measures to sustain the existing form, integrity, and material of the theater sign, including repair and stabilization work where necessary as well as ongoing maintenance. Repair and replacement of deteriorated features should be based on accurate duplications of the original, based on historical, pictorial, or physical evidence.
- 5. The distinguishing historical qualities and character of the sign (i.e., its height, shape, and lighting) should not be destroyed. The removal or alteration of any historic fabric or decorative detailing should be avoided whenever possible.
- 6. A reasonable effort shall be made to preserve the theater sign in place without altering its height and setback.
- 7. If the sign must give way to new development, it may be relocated to a new site with compatible surroundings where it can be preserved and rehabilitated.

Member Masica asked what would happen to the sign if the theater were to cease operation. Ms. Repya replied the sign would need to stay on site.

Mayor Hovland asked how the plan of treatment item 7 related to Ms. Repya's statement the sign would need to stay on site. Robert Vogel, Historic Preservation Planning Consultant explained that since the building was not historically designated, it was necessary to exercise caution with constricting what the property owner could do with the location. However, if necessary, the sign could be relocated a short distance to a different 50th and France property preserving the historic landmark. Mr. Vogel noted it was an object that was being designated and not a property.

Mayor Hovland asked if the "should" from Plan of Treatment Item 5 should read "shall". Mr. Vogel stated the "should" in Item 5 was negotiated with the property owner and he recommended Item 5 be left as written because it offered, in his opinion, adequate protection.

Member Swenson commented that the property owner, had difficult experience with heritage preservation in a different jurisdiction. She added that after nominating the sign as a member of

the Heritage Preservation Board, she was extremely pleased to see the Edina Theater sign designated an Edina Heritage Landmark.

Member Housh made a motion and Member Swenson seconded the motion closing the public hearing.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland Motion carried.

Member Swenson introduced the following resolution and moved its adoption designating the Edina Theater sign a Heritage Landmark in Edina:

RESOLUTION NO. 2006-07 GRANTING EDINA HERITAGE LANDMARK DESIGNATION TO THE EDINA THEATER SIGN AND ADOPTING THE PLAN OF TREATMENT 3911 WEST 50TH STRET

WHEREAS, the Edina the Edina Theater sign is an important work of public art that defines the historic character of the 50^{th} & France Commercial District; and

WHEREAS, the Edina Theater sign evokes a strong sense of community identity; and

WHEREAS, the Edina Heritage Preservation Board did work with the Edina Theater owner to create a plan of treatment designed to identify the goals and procedures for preservation; and

WHEREAS, the Edina Heritage Preservation Board on July 12, 2005, did review and approve to nominate the Edina Theater sign for designation as an Edina Heritage Landmark; and

WHEREAS, the Edina Planning Commission on November 30, 2005, did also review and recommend approving the nomination of the Edina Theater sign for designation as an Edina Heritage Landmark.

NOW, THEREFORE BE IT RESOLVED, that the Edina City Council adds the Heritage Landmark zoning designation to the Edina Theater sign and adopts the plan of treatment designed to identify the goals and procedures for preservation.

Adopted this 3rd day of January, 2006. Member Masica seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

*HEARING DATE SET OF JANUARY 17, 2006 - PRELIMINARY PLAT APPROVAL EUGENE FREY, 5201 SCHAEFER ROAD Motion made by Member Masica and seconded by Member Hulbert setting a hearing date of January 17, 2006, for consideration of Preliminary Plat for Eugene Frey, 5201 Schaefer Road, create one new buildable lot.

Motion carried on rollcall vote - five ayes.

*HEARING DATE SET OF JANUARY 17, 2006 - PRELIMINARY PLAT APPROVAL LOUIS AND PATRICIA STARITA, 604 BLAKE ROAD Motion made by Member Masica and seconded by Member Hulbert setting a hearing date of January 17, 2006, for consideration of Preliminary Plat for Louis and Patricia Starita, 604 Blake Road, create one new buildable lot.

Motion carried on rollcall vote - five ayes.

EXTENSION FROM ACTION UNTIL MARCH 15, 2006, GRANTED, FINAL DEVELOPMENT PLAN, CONDITIONAL USE PERMIT - GABBERT AND BECK/RYAN COMPANIES, 3510

GALLERIA Mr. Hughes explained the Planning Commission would have their meeting on January 4, 2006, to decide whether or not to recommend the proposed development project to the City Council. He noted that State Law requires the City Council to act upon planning applications within sixty days of receipt or the application will be considered approved. However, Mr. Hughes stated, a city may under certain circumstances grant itself an additional sixty day extension from action. In this particular case, Mr. Hughes reported that staff recommended the Council grant itself an extension from action until March 15, 2006. He suggested the proponent be invited to the January 17, 2006, meeting to make a presentation of their project. The public hearing would be held on February 7, 2006.

Member Swenson made a motion to close the public hearing seconded by Member Masica.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Following a Council discussion, Member Masica made a motion to grant an extension from action on the Final Development Plan and Conditional Use Permit for Gabbert and Beck/Ryan Companies, 3510 Galleria, until March 15, 2006, and directing staff to invite the proponent to the January 17, 2006, Regular Council Meeting. Member Hulbert seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

ORDINANCE NO. 2005-15 ADOPTED - AN ORDINANCE ADDING NEW SUBSECTION 485

PUBLIC SAFETY 800 MHz RADIO BUILDING COVERAGE Chief Siitari reminded the Council that First Reading of Ordinance No. 2005-15 had been granted at the regular Council Meeting of December 20, 2005. No changes have been made to the Ordinance language from First Reading.

The City of Edina became a user of the metro area Public Safety 800 MHz radio system in 2004 and it will be the standard for all public safety agencies if everything stays on schedule. A reliable radio system was essential for effective response by law enforcement, fire and EMS. Funds in the amount of \$285,000 have been received from a Homeland Security Grant to make the transition to the system.

Mr. Siitari indicated radio and wireless can be adversely impacted by a variety of factors, including the density and type of construction materials. Two problem locations were identified during the feasibility study. The City has spent \$180,000 to retrofit Southdale Center and Fairview Southdale Hospital with amplification systems to provide adequate radio coverage. An amplification system has been added to City Hall at a cost of \$22,000. In order to provide adequate coverage, an addition to the Edina City Code was proposed, which would require building owners to install amplification systems in new buildings over 25,000 square feet in gross floor area or substantial amplification systems to existing buildings over 25,000 feet that do not provide adequate radio coverage.

Owners of buildings requiring an amplification system would be required to have the system tested annually to ensure proper operation. Once every five years, testing of the system would be required to ensure that it meets coverage standards. Results of the test would be submitted to the Fire Chief.

Mr. Siitari recommended adoption of Ordinance No. 2005-15, requiring new buildings or additions over 25,000 square fee to meet minimum coverage standards for the Public Safety 800 MHz radio system.

Member Masica asked if the Homeland Security funds were used to put in the MHz system. Mr. Siitari responded affirmatively. Member Masica asked if Southdale Center or Fairview Hospital paid for any of the retrofitting of their MHz system. Mr. Siitari said they did not pay for the retrofitting.

Member Swenson asked if Southdale Center and Fairview Hospital would be grandfathered into the system Mr. Siitari said he would have to study the facts further. Member Swenson asked who would pay for the testing process for the two entities. Mr. Siitari said a simple test could be accomplished with existing radio equipment. Member Swenson asked if any objections have been received about the proposed Ordinance. Mr. Siitari added that Haugland Construction had been advised of the Ordinance and no adverse comments have been received.

Member Hulbert said it seemed that it would be in the best interest of the hospital to voluntarily have the test done. Mr. Siitari concurred.

Mayor Hovland questioned the language of 485.04, Subd. 2, states...'the owner of the building shall arrange for testing'. He questioned if the language should read ...'the owner of the building shall arrange and pay for testing'. Mr. Gilligan said he believed the language was adequate as written.

Member Housh made a motion adopting Ordinance No. 2005-15 as follows:

EDINA ORDINANCE NO. 2005-15 AN ORDINANCE ADDING NEW SECTION 485 -PUBLIC SAFETY 800 MHZ RADIO BUILDING COVERAGE

THE CITY COUNCIL OF THE CITY OF EDINA ORDAINS:

<u>Section 1.</u> The following new Section 485 is added to the City Code:

485.01 Adequate Radio Coverage. Except as provided in Subsection 485.02, no person shall construct any building, construct an addition to any building that increases the gross floor area of the building by more than 20%, change the occupancy classification of more than 50% of the floor area of any building or cause the same to be done to a building, if such building fails to support adequate radio coverage for the Minnesota Regional Radio Communications System, including but not limited to firefighters and police officers. For the purposes of this Section 485, parking garages, parking ramps, stair shafts, elevators and stairwells are included in the definition of "building". For purposes of this Section 485, adequate radio coverage shall be an average received field strength of no less than –93 dBm, or 1% BER, measured at 30 to 36 inches above the floor over 90% of the area of each floor including the basement in the building and other critical areas determined by the Fire Chief or the Fire Chief's designee such as fire command centers, stairwells, elevators, high hazard areas, basements, and parking garages and ramps. Without an in-building radio system, only the received signal level standard must be achieved, as the talk-out path is equivalent to the talk-in path in this regional radio system.

485.02 Exempt Buildings. The requirements of Subsection 485.01 shall not apply to:

- A. Any dwelling unit or accessory building in the R-1 District or R-2 District.
- B. Any building of less than 25,000 square feet in gross floor area.

C. Any building constructed of wood frame; provided that such building does not contain any metal construction or any below grade levels or below grade parking areas.

485.03 Amplification Systems Allowed. Buildings required by Subsection 485.01 to support adequate radio coverage which cannot support the required level of radio coverage required by Subsection 485.01 shall be equipped with approved bi-directional 800 MHz signal enhancement system(s) as needed. If amplification is used in the system, all required FCC authorizations must be obtained by the building owner prior to the use of the system. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a continuous period of at least 12 hours without external power input. The battery system shall automatically charge in the presence of an external power input.

485.04 Testing Procedures. The following testing procedures shall apply to each building or structure required by Subsection 485.01 to support adequate radio coverage:

Subd. 1 Acceptance Test Procedure. Prior to the issuance of a certificate of occupancy, the owner of the building shall arrange for testing conducted by individuals acceptable to the Fire Chief to ensure the building conforms with the requirements of Subsection 485.01. Testing procedures shall conform to practices adopted and on-file with the Building Official.

Subd. 2 Annual Tests. When an in-building radio system is required to support the required level of radio coverage, the owner of the building shall arrange for testing conducted by individuals acceptable to the Fire Chief of all active components of the system, including but not limited to amplifiers, power supplies and backup batteries, a minimum of once every 12 months. Amplifiers shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance. Backup batteries and power supplies shall be tested under load for a period of one hour to verify that they will properly operate during an actual power outage. If within the one-hour test period, in the opinion of the testing technician, the battery exhibits symptoms of failure, the test shall be extended for additional one-hour periods until the testing technician confirms the integrity of the battery. All other active components shall be checked to determine that they are operating within the manufacturer's specifications for the intended purpose. All deficiencies found shall be corrected and testing repeated. All test results shall be submitted to the Fire Chief within 30 days of the test date.

Subd. 3 Five-Year Tests. When an in-building radio system is required to support the required level of radio coverage, then in addition to the annual test, the building owner shall arrange for testing conducted by individuals acceptable to the Fire Chief to perform a radio coverage test a minimum of once every five years to ensure that the radio system continues to meet the requirements of the original acceptance test. A radio test shall also be performed whenever there is a change in or to the building that may have an impact on coverage. Examples of the types of changes that may change radio coverage are interior remodeling that adds and/or changes partitions, removal of windows, and the addition of metalized treatment to window surfaces. The procedure described by practices adopted by the City shall be used for these tests. All test results shall be submitted to the Fire Chief within 30 days of the test date.

Subd. 4 Field Testing. Fire and police personnel, after providing reasonable notice to the owner or the owner's representative, shall have the right to enter onto the property to conduct testing to be certain that the required level of radio coverage is present.

Section 2. This Ordinance shall be in full force and effect upon passage and publication.

First Reading: December 20, 2005 Second Reading: January 3, 2006 Publication: January 12, 2006

Debra A. Mangen, City Clerk

James B Hovland, Mayor

Member Hulbert seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

BOARD OF APPEALS AND EQUALIZATION DATE SET - APRIL 10, 2006 Mr. Hughes explained a date must be set for the Board of Appeal and Equalization between April 1, 2006 and May 31, 2006. He suggested April 10, 2006, at 5:30 P.M. be set for the meeting with the date of the continuation meeting April 24, 2006.

Following a brief discussion of the available date and the time of the meeting, Member Hulbert made a motion setting April 10, 2006, as the Board of Appeal and Equalization at 5:30 P.M. in the Council Chambers. Member Masica seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland Motion carried.

*RESOLUTION NO. 2006-01, APPROVED - DESIGNATION OF OFFICIAL NEWSPAPER Motion made by Member Masica and seconded by Member Hulbert approving the following resolution:

RESOLUTION NO. 2006-01 DESIGNATING OFFICIAL NEWSPAPER

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that the <u>Edina Sun-Current</u> be and is hereby designated as the Official Newspaper for the City of Edina for the year 2006.

Passed and adopted this 3rd day of January 2006.

Motion carried on rollcall vote - five ayes.

*RESOLUTION NO. 2006-02, APPROVED - SIGNATORY RESOLUTION Motion made by Member Masica and seconded by Member Hulbert approving the following resolution:

RESOLUTION NO. 2006-02 SIGNATORY RESOLUTION

BE IT RESOLVED that persons holding office as Mayor, Manager and Treasurer of the City of Edina, be, and they hereby are authorized to act for this municipality in the transaction of any banking business with Bremer Bank, Crown Bank, Eagle Crest Capital Bank, Excel Bank, Fidelity Bank, First Minnesota Bank, Marshall & Ilsley Bank (M & I), North American, TCF National Bank, U.S. Bank, Wells Fargo Bank, and Western Bank, (hereinafter referred to as the "Bank") from time to time and until written notice to any Bank to the contrary, to sign checks against said accounts, which checks will be signed by the Mayor, Manager and City Treasurer. Each Bank is hereby authorized and directed to honor and pay any checks against such account if signed as above described, whether or not said check is payable to the order of, or deposited to the credit of, any officer or officers of the City, including the signers of the check. Passed and adopted this 3rd day of January 2006.

Motion carried on rollcall vote - five ayes.

*RESOLUTION NO. 2006-03, APPROVED - DESIGNATION OF DIRECTOR/ ALTERNATE DIRECTOR OF SUBURBAN RATE AUTHORITY Motion made by Member Masica and seconded by Member Hulbert approving the following resolution:

RESOLUTION NO. 2006-03 DESIGNATING DIRECTOR AND ALTERNATE DIRECTOR TO SUBURBAN RATE AUTHORITY

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, as follows: John C. Wallin is hereby designated to serve as a Director of the Suburban Rate Authority, and Eric Roggeman is hereby designated to serve as Alternate Director of the Suburban Rate Authority for the year 2006 and until their successors are appointed.

Passed and adopted this 3rd day of January 2006.

Motion carried on rollcall vote - five ayes.

*RESOLUTION NO. 2006-04, APPROVED - DESIGNATION OF DIRECTOR/ ALTERNATE DIRECTOR OF LOGIS Motion made by Member Masica and seconded by Member Hulbert approving the following resolution:

RESOLUTION NO. 2006-04 DESIGNATING DIRECTOR AND ALTERNATE DIRECTOR TO LOGIS

BE IT RESOLVED by the City Council of the City of Edina Minnesota, as follows: John C. Wallin is hereby designated as a Director of LOGIS and Eric Roggeman is hereby designated as Alternate Director of LOGIS for the year 2006, and until their successors are appointed.

Passed and adopted this 3rd day of January 2006.

Motion carried on rollcall vote - five ayes.

*RESOLUTION NO. 2006-05, APPROVED - FACSIMILE SIGNATURES Motion made by Member Masica and seconded by Member Hulbert approving the following resolution:

RESOLUTION NO. 2006-05 AUTHORIZING USE OF

FACSIMILE SIGNATURES BY PUBLIC OFFICIALS

RESOLVED that the use of facsimile signatures by the following named persons:

JAMES B. HOVLAND - Mayor

GORDON L. HUGHES - City Manager JOHN WALLIN - Treasurer

on checks, drafts, warrants, warrant-checks, vouchers or other orders of public funds deposited in Bremer Bank, Crown Bank, Eagle Crest Bank, Excel Bank, Fidelity Bank, First Minnesota Bank, Marshall & Ilsley Bank, North American, TCF National Bank, U.S. Bank, Wells Fargo Bank and Western Bank, be and hereby are approved, and that each of said persons may authorize said depository banks to honor any such instrument bearing his facsimile signature in such form as he may designate and to charge the same to the account in said depository bank upon which drawn as fully as though it bore his manually written signature and that instruments so honored shall be wholly operative and binding in favor of said depository bank although such facsimile signature shall have been affixed without his authority.

Passed and adopted this 3rd day of January 2006.

Motion carried on rollcall vote - five ayes.

*RESOLUTION NO. 2006-06 APPROVED DESIGNATING OFFICIAL DEPOSITORIES Motion made by Member Masica and seconded by Member Hulbert approving the following resolution as presented:

RESOLUTION NO. 2006-06 DESIGNATING DEPOSITORIES

BE IT RESOLVED that the Bremer Bank, Crown Bank, Eagle Crest Bank, Excel Bank, Fidelity Bank, First Minnesota Bank, Marshall & Ilsley (M & I), North American, TCF National Bank, U.S. Bank, Wells Fargo Bank and Western Bank, are authorized to do banking business in Minnesota, be and are hereby designated as Official Depositories for the Public Funds of the City of Edina, County of Hennepin, Minnesota, until January 1, 2007. Passed and adopted this 3rd day of January 2006.

Motion carried on rollcall vote - five ayes.

RESOLUTION NO. 2006-09 APPROVING HENNEPIN COUNTY ELECTRONIC PROPRIETARY DATA BASE (EPDB) CONDITIONAL USE LICENSE AGREEMENT Member Masica questioned what was the fee for use of the data base. Mr. Houle replied there was no annual fee, but special items were charged to the City if ordered. He added the agreement allowed the City to use the database owned and maintained by the County adding this was an annual agreement that had been in place since 2000.

Motion made by Member Masica approving the following resolution:

RESOLUTION NO. 2006-09
RESOLUTION APPROVING HENNEPIN COUNTY
ELECTRONIC PROPRIETARY DATA BASE (EPDB)
CONDITIONAL USE LICENSE AGREEMENT

BE IT RESOLVED by the City Council of the City of Edina, Minnesota (the "City") as follows:

Section 1. Recitals. Hennepin County (the "County") has developed an Electronic Proprietary Data Base (EPDB) (the "Data Base"), which the City desires to utilize. There has been prepared and presented to the City a Conditional License Agreement (the

been prepared and presented to the City a Conditional Use License Agreement (the "Agreement") between the City and County, pursuant to which the County grants the City a limited license to use the Data Base as provided in the Agreement and the City agrees to pay a fee for the use of the Data Base.

Section 2. <u>Approvals</u>. The form of the Agreement is hereby approved, and the City Manager is authorized to enter into the Agreement on behalf of the City in substantially the form presented to the City with such changes or modifications thereto as do not change the substance of the Agreement and are approved by the City Manager, such approval to be conclusively presumed by the execution and delivery of the Agreement by the City Manager.

Dated: January 3, 2006. Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

CHANGE ORDER NO. 1 - SHANNON DRIVE SANITARY SEWER IMPROVEMENTS -

<u>CONTRACT NO. ENG. 05-10 APPROVED</u> Member Masica removed from the Consent Agenda for additional information. She asked what caused such a large change. Mr. Houle explained that it was found once the project was underway that the flow in the area could be greatly improved if the pipe was dropped a foot lower. Since the construction was at a greater depth it added additional expense to the project.

Member Masica made a motion approving Change Order No. 1 – Shannon Drive Sanitary Sewer Improvements – Contract No. Eng. 05-10 in the amount of \$84,674.68. Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

<u>VOLUNTEER RECOGNITION RECEPTION DATE SET - APRIL 24, 2006</u> Mr. Hughes requested the Council choose a date of Monday, April 10, 2006, Monday, April 24, 2006, or Monday, May 1, 2006, for the Volunteer Recognition Reception.

Following a brief Council discussion, Member Swenson made a motion approving Monday, April 24, 2006, as the date for the Volunteer Recognition Reception at Edinborough Park at 5:00 P.M. Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

ANNUAL MEETING DATE OF ADVISORY BOARD, COMMISSIONS AND COMMITTEES

<u>SET - MARCH 22, 2006</u> Mr. Hughes requested the Council choose a date of either Monday, March 20, 2005, Wednesday, March 22, 2006, or Thursday, March 23, 2006, for the Annual Meeting of the City's various advisory Board, Commissions and Committees

Following a brief Council discussion, Member Masica made a motion approving Wednesday, March 22, 2006, as the date for the Annual Meeting of the Board, Commissions and Committees at 5:00 p.m. at Braemar Clubhouse. Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

MASSING STUDY CONSULTANT AND STUDY AUTHORIZED Mr. Hughes indicated that Planner Larsen and Assistant Planner Aaker have outlined the mission of the committee that will study and address possible concerns surrounding residential teardowns/rebuilds in established neighborhoods and "super-sized" expansions of existing homes. Mr. Larsen and Ms. Aaker have interviewed consultants that could be engaged to help the task force of residents to conduct a teardown/massing study. They were presently awaiting proposals from the consultants that have been interviewed.

Mayor Hovland said he intended to appoint former Mayor Dennis Maetzold to chair the massing study. Residents who might be willing and would serve without a bias on the task force, would be contacted about their interest. Mr. Hughes suggested requesting a member from the Board of Appeals and the Planning Commission be asked to serve. The task force would be comprised of five to seven members.

Following a Council discussion, Member Swenson made a motion authorizing staff to hire a consultant at a cost not to exceed \$15,000 for the purpose of conducting a study on massing in the City of Edina, appointing Dennis Maetzold as the Chair of the Massing Study Task Force, and appointing Mike Schroeder as Massing Study Task Force representative from the Planning Commission with the Massing Study to be completed by May 16, 2006. Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

<u>POLICY BOARDS/COMMISSION/COMMITTEES TERM LIMITS DISCUSSED</u> Mr. Hughes reminded the Council of their request at the meeting of December 20, 2005, that the issue of term limits for Boards/Commissions/Committees be placed on a future agenda. The issue was

whether an individual could be reappointed to a Board/Commission/Committee if that person had not as yet served nine years but after completion of the term, to which he/she was reappointed, would exceed nine years. A policy regarding term limits was adopted by the Council at the April 5, 2005, Council Meeting.

Mr. Hughes said what was inadvertently missed in the policy was appointments that were made mid-term, replacing prior members.

Member Housh voiced approval to appoint someone willing to serve that had not reached the nine year limit. Member Hulbert concurred.

Mayor Hovland inquired whether language in the policy needs to be fine-tuned. Mr. Hughes said he believes the language was adequate.

No formal action was taken.

*CONFIRMATION OF CLAIMS PAID Member Masica made a motion and Member Hulbert seconded the motion approving payment of the following claims as shown in detail on the Check Register dated December 21, 2005, and consisting of 37 pages: General Fund \$127,658.22; CDBG Fund \$532.00; Communications Fund \$7,428.00; Working Capital Fund \$516,984.95; Construction Fund \$52,132.59; Art Center Fund \$26,837.88; Golf Dome Fund \$5,354.31; Aquatic \$37.28; Golf Course \$6,455.94; Ice \$1,830.56; Center Fund Fund Arena Fund Edinborough/Centennial Lakes Fund \$14,262.45; Liquor Fund \$181,623.88; Utility Fund \$81,135.69; Storm Sewer Fund \$16,753.79; TOTAL \$1,039,027.54; and for approval of payment of claims dated December 28, 2005 and consisting of 23 pages: General Fund \$273,381.51; Communications Fund \$18,567.48; Working Capital Fund \$3,107.86; Construction Fund \$5,178.01; Art Center Fund \$3,222.92; Golf Dome Fund \$311.24; Golf Course Fund \$2,814.32; Ice Arena Fund \$667.96; Edinborough/Centennial Lakes Fund \$8,870.12; Liquor Fund \$153,723.26; Utility Fund \$75,618.80; Storm Sewer Fund \$8,098.32; PSTF Fund \$3,238.54; TOTAL \$556,800.34. Motion carried on rollcall vote -five ayes.

<u>CAPITAL IMPROVEMENT PROGRAM (CIP) 2006-2010 REVIEWED</u> Mr. Hughes said each year the Council was presented a five year Capital Improvement Program. The program was a one year budget and a five year plan. He noted all dollar amounts were more accurate for the current year than future years which would be 'best' estimates. The CIP has been prepared by the City department heads and represents their recommendations for capital investments over the next five years. The CIP portrays expenditures both "by department" and "by funding source" in order to assist the Council in analyzing the financial issues associated with the plan. Each project would include a detailed description containing location, justification, estimated cost and funding source.

Eric Roggeman, Assistant Finance Director, pointed out proposed capital expenditures for 2006, as follows:

- Installation of a "flowrider" at the Aquatic Center \$600,000
- Ongoing extension of fiber optic cabling for City facilities \$175,000
- Addition/Renovation of the Tracy Avenue Fire Station \$700,000
- Neighborhood, community park improvements (principally Courtney Fields -\$896,000
- Street/sidewalk reconstruction \$3,978,000

- Improvements/reconstruction of City utilities \$5,647,000
- Golf course equipment \$165,000
- Edinborough/Centennial Lakes upgrades \$173,000
- Liquor store improvements \$141,500

Proposed projects on the planning horizon for years 2007 – 2010 included:

- 2010 Refurbishing of the west ice arena at Braemar following the final debt service payments for prior improvements
- 2009 2010 Braemar Golf Course renovation of cart path, improvements to driving range, and "new nine", following reduction in debt service payments for prior improvements. Acceleration of project schedule would be possible with improved financial performance at the course.
- Ongoing annual spending for improvements to neighborhood and community level parks
- 2007 improvements/relocation of Public Works building following suitable sites being located.
- CIP proposed aggressive street reconstruction financed through special assessments and utility funds as provided in the previously adopted Council policy
- Utility system requires aggressive renovations. Rates will require annual adjustments to fund renovations. New rate study will be undertaken in 2006 to reflect costs of proposed renovations.

Ed MacHolda, Assistant Park Director, presented a short video explaining the "flowrider". Mayor Hovland asked why the Aquatic Center needed a "flowrider". Mr. MacHolda explained the "flowrider" was the hottest thing in aquatics and would target teen customers. Mr. MacHolda said in years past, additions have been, a water slide tower, two flumes (a body slide and one inner tube), step-in-entry, themed platform with a cable ride/zip line, and a zero-depth themed play area. He added staff was always striving to improve the center to keep it competitive with surrounding facilities. Mr. Hughes noted all improvements to the Aquatic Center were paid for by the Center. He noted that the Center was land-locked and staff was constantly looking for improvements that do not require land space. Member Housh wanted reassurance that the Center fees will continue to cover all the improvements. Mr. MacHolda responded that a surcharge of some type to ride the "flowrider" will be implemented. Member Housh asked how time on the "flowrider" would be managed. Mr. MacHolda responded each ride would last approximately 30 - 40 seconds. Member Housh asked what the liability would be on this ride. Mr. MacHolda said he believes the three meter diving board was more of a liability for a novice diver. Member Hulbert inquired about winter storage of the ride. Mr. MacHolda said he would research winter storage. Member Swenson commented that her daughter was a lifeguard at the pool and teens do not have enough to do at the pool. She said it was imperative to keep the Center fresh so it remains profitable.

Mayor Hovland commented that with every additional amenity added to the Center, the profitability has been maintained. Mr. MacHolda agreed, adding Edina's public pool was one of the oldest in the area, noting that within the last 10 years, the pool has been hugely successful even with new water parks being opened in surrounding communities.

Mr. Hughes reminded the Council that while the "flowrider" purchase has not been approved, if it were, it would not be installed until after the 2006 pool season. The cost of the ride would not be financed but would be paid for from the accumulated earnings of the Center from the last few years.

Member Masica questioned where the cash adjustment balances come from under summary of enterprise funds balances. Mr. Roggeman said this was an accounting adjustment.

Mayor Hovland asked what the Tracy Avenue Fire Station 2006 expense covered. Chief Scheerer said it would provide funds for a locker room for female firefighters, a sprinkler system, fitness area, and carpeting replacement. Mr. Hughes noted he has put these improvements on the backburner for a number of years, but they must be completed to accommodate female firefighters. Funding for the project would be considered under legislation passed recently, a Capital Debt Levy could be completed for public safety and public works building facilities, so General Obligation Bonds could be issued.

Mayor Hovland inquired about the 2006 liquor store improvements. Mr. Hughes said two compressors need to be replaced at the 50th Street store, counter tops, an office addition, new phone system, and enclosing the loading dock at the York store and video equipment at the three liquor stores.

Member Housh asked if eight million dollars for a new public works building will be adequate. Mr. Hughes noted that the figure may be conservative and added many different locations have been considered.

Mayor Hovland inquired about improvements to Courtney Fields. Mr. Keprios elaborated the proposed improvements would include replacement of the concession building/bathrooms, renovate the field turf on field No. 4, replace field No. 4's underground dugouts, replace ball field fencing, including a maintenance strip, and installation of safety netting. In 2007, relocation of the maintenance garage. Member Housh asked who benefited from the sale of concessions. Mr. Keprios said concessions were run by the baseball association with the majority of funds going back to the facility (batting cages, etc.). Member Masica inquired if funds were not earmarked for a concession stand in a prior year. Mr. Hughes said the concession stand was one of the issues in the failed referendum of 2001. Member Masica asked what was the size of the proposed concession stand. Mr. Keprios said tit was too early in the design of the stand to answer. Mayor Hovland asked what the fund source would be. Mr. Keprios said funds would come from the revolving fund. Mayor Hovland asked why Courtney Fields was chosen rather than Braemar Golf Course improvements. Mr. Keprios said the main reason would be safety for spectators and a safe playing field for kids as well as finishing the job begun in 1996. He said costs could perhaps be less with use of public works staff.

Mayor Hovland asked what the proposed expenditures covered for Edinborough and Centennial Lakes. Mr. Hughes said funds would come from the revolving fund and projects proposed include paver replacement, locker room refurbishing, pool room exhaust, and additions to Adventure Peak at Edinborough; speakers, re-roofing, and equipment purchase, at Centennial Lakes.

Member Hulbert inquired about the off-leash dog park for Van Valkenburg Park. Mr. Keprios noted that operation money was available The CIP dollars will afford the option of a partnership with Minneapolis/St. Louis Park materializes on the Minneapolis water works site.

Member Masica asked what the process that is followed to get to this point on the CIP. Mr. Hughes said the process follows the budget. Department heads were requested to update, reprioritize and justify proposed projects. Meetings were held with the department heads and with enterprise facility managers. He indicated he then puts all the components together and presents his recommendations to the Council.

Member Hulbert said she would like a bicycle trail included in the CIP. Mr. Hughes said under sidewalks and pathways there is \$50,000 earmarked annually. In 2007 there is \$1,500,000 set asked for a pathway along Interlachen Boulevard. Member Hulbert said the plan is disjointed and she would like it to match with the Comprehensive Plan that would act as a commuter corridor. Mr. Keprios added that a meeting was held recently with Three Rivers Park District requesting engineering to go to the next step to begin construction within the next two years. Mr. Houle indicated that federal funding might become available to aid a north/south route pathway in the near future.

No formal Council was taken.

CONCERN OF RESIDENT

V. Al Kluesner, 6417 Colony Way, expressed his disappointment with the process followed and the decision reached with the proposed Cypress Equities redevelopment project. He also stated his concerns with the Greater Southdale Area Land Use and Transportation Study. Mr. Kluesner presented his concerns in written form to the Council for inclusion into the public record. He stated he had been researching the planning items on the internet and the Planning Commission minutes had not been updated since March of 2005.

Peter Simpson, 509 Blake Road South, stated he was in attendance to express concern about the proposed subdivision for 604 Blake Road, but noted his issue that the City was not enforcing its trash collection ordinances, and suggested the budget process include public hearings and citizens input. He asked that the Council limit spending.

John Bohan, 800 Coventry Place, agreed with Mr. Kluesner that the Planning Commission minutes had not been updated since the March 2005 meeting.

Steve Haertzen, 6400 Interlachen Place, expressed his concerns over the proposed subdivision for 604 Blake Road. He asked the City Council to physically visit the site to view the potential problems.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:05 P.M.

City Clerk